

PRESIDENT: Question is shall LB568 be indefinitely postponed, all those in favor vote aye, all those opposed vote no. The motion is to indefinitely postpone LB568. Have you all voted? The motion is to indefinitely postpone LB568, have you all voted? Clerk will record.

CLERK: 23 ayes, 22 nays Mr. President.

PRESIDENT: The bill is indefinitely postponed. That brings up for general file the debate, just a minute, Senator Syas, do you want to go back to your 565 which we "momentarily bypassed". Are you ready on your 565 now?

SENATOR SYAS: No, not today I want to give this report that I was told to give unless you want to take up something else. O.K. we will look at 375.

SENATOR SYAS: Well anyhow, as chairman as Constitutional Revision, you asked me a question the body did the other day to look into the situation that we have in the constitution about filing for Governor and Lt. Governor. I visited the Attorney General and also the Secretary of State, but we are in trouble. As the, I am informed, as the constitutional amendment passes now without some statutory laws, it could be declared unconstitutional, the constitutional amendment itself. If, but we do have an option, we do not according to the Attorney General's need a constitutional amendment to be passed over this one. But we must, in order to make this constitutional amendment constitutional, we must pass some statutory laws, and we must do it, I think quite rapidly. These, see in this constitutional amendment, independents are not a political party, and we can't make independents a political party. Now, people that file by petition since the primary, I am informed, which I already assumed, is a political party race candidates by petition must file for the general election after the primary. And after their name, of course, they are third on the ballot and they go and petition candidates. Now I think that Senator Chambers, the way the thing stands right now has a very good constitutional case, and I am not so sure that he couldn't win it in court, if we do nothing

(end tape #9)

(start tape #10)

and I understand last session, we did nothing, I wasn't aware of it because such a bill I understand was introduced but did not come to my committee and I don't recall just what committee it did go to, but anyhow I don't think the Legislature did anything. Now there are some other odd ball things about this, the way it is right now. If you have a petition candidate and since you, if you for instance petition for Governor and do not have a Lt. Governor as a running mate, then who is Lt. Governor after the election. Now Mr. Beerman says in his opinion that the Lt. Governor that we now have serves until another one is elected, so that would mean that Frank Marsh for another four years if Senator Chambers was elected Governor, if he didn't pick a Lt. Governor. Now, how can we also take away from a person the right to, I am not saying that is good or bad, it is alright with me but I don't know (laughter) but anyhow how does the Lt. Governor get on the ballot if he doesn't pick a Governor, he has the right to run. So you see I have just briefly on some of these problems that we have, I was suggested this body that I think that you can get the cooperation of Mr. Beerman and the Attorney General, in fact the Secretary of State had a rough draft bill that he was checking, he didn't give it to me, but somebody should introduce a bill that would clarify this situation up because I personally think that you can not deprive a person from any person that doesn't want to be a partisan candidate from being a candidate. Bear in mind that it isn't just the non-partisan person that is registered, that it is always the petition candidate.

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